

PHILLIP A. TALBERT
United States Attorney
LAURA JEAN BERGER
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN CERVANTES,

Defendant.

CASE NO. 1:22-CR-00018-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: September 21, 2022
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on September 21, 2022.
2. By this stipulation, defendant now moves to continue the status conference until December 7, 2022, and to exclude time between September 21, 2022, and December 7, 2022, under the Speedy Trial Act.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, surveillance camera footage, investigative documents, and search warrant photographs. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to review discovery, consult with
2 her client, conduct investigation into the charges, and to explore potential resolution with the
3 government.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of September 21, 2022 to December
13 7, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [because it
14 results from a continuance granted by the Court at defendant's request on the basis of the Court's
15 finding that the ends of justice served by taking such action outweigh the best interest of the
16 public and the defendant in a speedy trial.

17 \\\

18 \\\

19 \\\

20 \\\

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

28 \\\

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5
6
7 Dated: September 14, 2022

PHILLIP A. TALBERT
United States Attorney

8
9 /s/ LAURA JEAN BERGER
LAURA JEAN BERGER
Assistant United States Attorney

10
11 Dated: September 14, 2022

12 /s/ ERIC SCHWEITZER
ERIC SCHWEITZER
Counsel for Defendant
MARTIN CERVANTES

13
14
15
16 **ORDER**

17 IT IS SO ORDERED.

18
19
20 DATED: 9/14/2022

Sheila K. Oberto
THE HONORABLE SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE